

RECEIVED

APR 26 2006

Before the State of South Carolina
Department of Insurance

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

In the matter of:

Bankers Insurance Company
360 Central Avenue
St. Petersburg, FL 33701.

SCDOI File Number: 06-0503

**Consent Order Imposing Administrative
Penalty As Precondition to Remain
Licensed**

RECEIVED

APR 20 2006

FOREFETURE DIVISION
This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and above named respondent, a licensed non-resident South Carolina insurance/surety company.

Upon review of this matter, I hereby find as fact, that the Bankers Insurance Company, while licensed to do business as a surety bail bonds agency within the State of South Carolina, did fail to timely remit monies owed to the Greenville County's Clerk of Court, for the Bond Forfeitures of a customer. The respondent acknowledges the allegation but contends this failure resulted from the actions of their representative Clint Matkins, whose license was revoked by the Department, and not from any intent to avoid the requirements of the Law. Nevertheless, this type of action can ultimately lead to the revocation of the Company's license to transact the business of insurance/surety bail bonding in South Carolina, following a public hearing at the Administrative Law Court, pursuant to S.C. Code Ann. & 38-43-130.

Prior to the initiation of any administrative proceedings by the Department against it, the Company and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke its licensing privileges, the respondent would immediately pay all monies owed to the complainant, waive its right to a public hearing, and subsequently pay through the Department an administrative penalty in the amount of \$300.00 dollars.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that the Bankers Insurance Company had violated SC Codes Ann. §38-53-150(A)(9), and §38-55-120(Supp.2005) by "failing to pay any judgment or decree rendered on any forfeited undertaking in any Court of competent jurisdiction." As a result, I can now take administrative disciplinary action against its non-resident insurance/surety bail bonds licensing privileges. However, in view of the Company's willingness to expeditiously resolve this matter, their clean record, and having paid the court estreatments in question, I have decided to grant them the benefit of the doubt, concluding that there was no malice, criminal intent, nor willful conduct involved.

Therefore, under the discretionary authority provided to me by the General Assembly within SC Code Ann. §38-2-10(2)(Supp. 2005), and after carefully considering the recommendation of the parties, I hereby impose against the respondent an administrative penalty in the amount of \$300.00 dollars, to be paid within ten days of receipt of this consent order. If this penalty is not paid as instructed, all of the Company's licensing privileges would be immediately revoked without any further disciplinary proceedings.

This agreement has been reached by the parties as a result of negotiation and compromise, and it is made in consideration of Bankers Insurance/Surety Company's assurances that in the future it will exercise more caution and supervision over their representatives, in order to fully comply with South Carolina's Insurance Laws.

This penalty includes all expenses related to the investigation of this matter, as provided in Section 38-13-70 of the South Carolina Code of Administrative Laws. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By the signature of its representatives upon this consent order, Bankers Insurance Company acknowledges this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 & Supp. 2005).

It is, therefore ordered, that Bankers Insurance Company shall, within ten days from the date of receipt of this consent order, pay through the Department of Insurance an administrative penalty in the amount of \$300.00 dollars.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in respondent's licensing file.

This order becomes effective as of the date of my signature below.

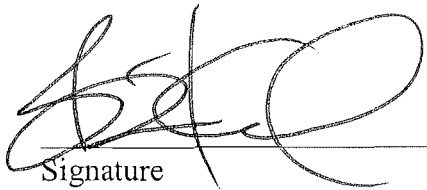
Eleanor Kitzman, Director

May 1, 2006, at Columbia, South Carolina.

I CONSENT:

Name:

BRIAN KESNECK


Signature

Title: SR. V.P.

Bankers Insurance Company
Post Office Box 15707
St. Petersburg, FL 33733

Dated this 24 day of April, 2006.